

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Douglas Ashby,

Civil No. 12-CV-2666 (MJD/TNL)

Plaintiff,

v.

ORDER

Nicholas J. Wills,

Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated November 5, 2012 (Docket No.4), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application for leave to proceed in forma pauperis (Docket No. 2) is **DENIED**;
2. Plaintiff's motion for appointment of counsel (Docket No. 3) is **DENIED**; and
3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: December 5, 2012

s/Michael J. Davis
The Honorable Michael J. Davis
United States District Court Judge
for the District of Minnesota